

**Town of Swansboro
Flood Management Appeals Board
Special Meeting Minutes
February 21, 2023**

Call to Order

The meeting was called to order at 2:09 pm. Board members in attendance were Jonathan McDaniel, Brent Lanier, and Junior Freeman. John Freshwater was absent.

Minutes

On a motion by Mr. Freeman, seconded by Mr. Lanier, the minutes for the March 3, 2020, Special Meeting were approved unanimously.

Business

Variance Request for 203 Church Street/Visitor's Center

In accordance with the Flood Damage Prevention Ordinance Section 152.405 Definitions; Substantial Improvement, the Town sought a Variance as provided under 2) Any alteration of a historic structure, provided that alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Section 152.417.

Interior rehabilitation to the Visitor's Center (Tucker Little House) at 203 Church Street was consistent with all other sections of the Flood Damage Prevention Ordinance apart from the second clause in the definition listed above. This portion of the definition was not in keeping with the Substantial Improvement/ Substantial Damage Desk Reference FEMA P-758 nor Flood Damage Prevention Ordinance Part III: Provision for Flood Hazard Reduction: Section 154.441 Specific Standards (E) and Additional Improvements (4) (b).

Andrea Correll, Town Planner was sworn in and provided the following facts:

- The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;

The Tucker Littleton House at 203 Church Street is in the Swansboro Historic District, which is designated in the National Register of Historic Places. The variance proposed is to enable the town to do interior improvements which include adding restrooms and other facilities inside. The plans intend to keep the structure in its original state with little to no effect on the historic character or design of the structure.

- Functionally dependent facilities if determined to meet the definition as stated in §152.405, provided provisions of divisions (I)(2), (3), and (5) of this section have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or

Based on the definition below, the Visitors Center does not meet the definition.

FUNCTIONALLY DEPENDENT FACILITY. A facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

- Any other type of development, provided it meets the requirements stated in this section.
N/A - The Visitors Center is not dependent on being in proximity to the water, but it benefits the functionality of the Visitor Center by being in the heart of the downtown. Please note, the town has always been very respectful of this resource and there are two elevation certificates documenting in 2018 and 2022 the relationship of the structure to the 2020 FEMA Flood Maps and the previously adopted Flood Maps which were in effect in 2018.

In passing upon variances, the Appeal Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this subchapter, and:

- The danger that materials may be swept onto other lands to the injury of others;
N/A - Requesting a variance on substantial improvements definition on the interior of a historic structure.
- The danger to life and property due to flooding or erosion damage;
N/A - Requesting a variance on substantial improvements definition on the interior of a historic structure.
- The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
N/A - See provided Flood Elevation Certificates from 2018 under the prior Flood Maps and 2022 under the current Flood Maps.
- The importance of the services provided by the proposed facility to the community;
The Visitor's Center is an important and vital part of this historic community and to the traveling public. It provides informational brochures and facilities to serve the public needs. Please note there are no other public restrooms on the southside of NC24.
- The necessity to the facility of a waterfront location as defined under §152.405 as a functionally dependent facility, where applicable;
The Visitor Center is dependent on proximity to the water because the facility serves visitors including members of the transient boat population and by necessity is in the waterfront historic district.
- The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
The Tucker Littleton house has been relocated to its current site several years ago for its intended purpose. It is unusual that substantial improvement of a historic structure is not exempt from the definition as it is in Substantial Improvement/Substantial Damage Desk Reference FEMA P-758 / May 2010 6.5.1 and Part III: Provisions for Flood Hazard Reduction

152.441 Specific Standards (E) Additions/improvements.

(4) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one year period, the cumulative cost of which equals or exceeds 50% of the market value of the structure before the improvement or repair

is started must comply with the standards for new construction. For each building or structure, the one-year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this subchapter. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
(b) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

- The compatibility of the proposed use with existing and anticipated development;
The Swansboro Visitors Center is a vital and compatible existing land use at the corner of Church Street and Water Street. There are no further exterior changes proposed to the outside of the building. The interior will be improved with new restrooms/showers and a laundry facility as part of a tourism funding to better serve the boaters traveling the intercoastal waterway.
- The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
The Tucker Littleton House is identified within the Traditional Town Center (TTC) Node on the CAMA LAND USE PLAN UPDATE future land use map. In other words, it is identified in the land use compatibility section that “the people of Swansboro treasure the feel and character of the historic downtown and surrounding residential areas. The character should be quantified and codified so that the future development and redevelopment can achieved a similar feel.”
- The safety of access to the property in times of flood for ordinary and emergency vehicles;
During Hurricane Florence, Church and Water Streets were flooded as well as the lower elevations in the downtown historic district.
- The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
The 2020 FEMA Map identifies this area as having a foot and a half of wave action.
- The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
Not a relevant factor.

In response to inquiries from the Board the following was clarified by Planner Correll.

- The Tucker Little House was included in the 2022 Survey.
- In 2020, the construction value was estimated at \$91,000. Those estimates are being updated and expected to be more.
- The building's value was \$99,484.00, the land valued at \$150,000.00. Without the Variance, the Town would be limited to 50% of the building's value per year.

On a motion by Mr. Lanier, seconded by Mr. McDaniel, the Variance for 203 Church Street/ Visitor Center was unanimously approved as requested.

Board/Staff Comments

Mr. Freeman suggested the Flood Management Appeals Board meet twice a year to train as to what their responsibilities are.

Adjournment

On a motion by Mr. Lanier, seconded by Mr. McDaniel, the meeting adjourned at 2:45pm.